

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBRA NOCHIMSON, on behalf of herself and
others similarly situated in the proposed FLSA
Collective Action,

Plaintiff,

-v-

OASIS LUXE MANAGEMENT & CO. INC. and
MICHAEL G. MEMON,

Defendants.

CIVIL ACTION NO.: 22 Civ. 7197 (PAE) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Plaintiff's request for a seventh extension of time to serve Defendant Michael G. Memon (ECF No. 45 (the "Motion")) is DENIED. Plaintiff filed the Complaint (ECF No. 9) on August 24, 2022—over nine months ago, and since then, Plaintiff has received at least six extensions of time in which to serve Mr. Memon beyond the 90 days provided in Fed. R. Civ. P. 4(m). (ECF Nos. 20; 22; 25; 35; 39; 44). Notwithstanding the Court's March 20, 2023 Order affording Plaintiff a "final" extension of time (ECF No. 35), the Court subsequently granted two further extensions of time. (ECF Nos. 39; 44).

The Court's most recent Order dated May 17, 2023 granted Plaintiff an extension of time to serve until June 9, 2023—of which ten days remain—and stated that "Plaintiff should not expect an additional extension absent extraordinary cause." (ECF No. 44). While Mr. Memon has been difficult to locate, Plaintiff's Motion does not attempt to demonstrate "extraordinary cause" for an additional extension of time to effect service. (ECF No. 45).

As per the Court's May 17, 2023 Order (ECF No. 44), by **June 9, 2023**, Plaintiff shall either (i) serve Mr. Memon or (ii) file a stipulation of voluntary dismissal as to Mr. Memon. Failure to

comply with this Order will result in a report and recommendation recommending dismissal of Plaintiff's claims against Mr. Memon.

The Clerk of Court is respectfully directed to close ECF No. 45.

Dated: New York, New York
May 30, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge